

# **EXHIBIT D**

**From:** [Johnson, Jr., Daniel](#)  
**To:** [Brannon, Leah](#)  
**Cc:** [Ewing, Elaine](#); [Roger, Kent M.](#); [Newton, Wendelynnne \(wendelynnne.newton@bipc.com\)](#); [Cary, George S.](#); [Malm, Larry](#); [Mindlin, Danielle P.](#); [JBR GMCR \(Local\)](#)  
**Subject:** RE: David Manly Deposition  
**Date:** Wednesday, August 13, 2014 1:47:02 PM

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Leah,

We anticipate that the Court will rule shortly regarding the relevance of the patent-case documents, and we should wait until then to discuss a firm time for the depositions. Assuming the Court allows the documents, we plan on taking both depositions on the same day. If the Court has not ruled by Friday afternoon, we will talk further about finishing the Manly deposition while awaiting the Court's ruling.

Sarina will proceed on the 20th in Sacramento. Please let us know the time and place.

**Daniel Johnson, Jr.**  
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**From:** Brannon, Leah [<mailto:lbrannon@cgsh.com>]  
**Sent:** Wednesday, August 13, 2014 9:36 AM  
**To:** Johnson, Jr., Daniel  
**Cc:** Ewing, Elaine; Roger, Kent M.; Newton, Wendelynnne (wendelynnne.newton@bipc.com); Cary, George S.; Malm, Larry; Mindlin, Danielle P.  
**Subject:** RE: David Manly Deposition

Hi Dan,

In our meet and confer on Monday, you asked that Mr. Manly's deposition occur by August 16, which is this Saturday. That's why we offered to make him available this Friday, August 15. In light of your email from last night indicating that Friday the 15<sup>th</sup> does not work for you, we have informed Mr. Manly that this Friday is out, and we are working to find an alternate date that works for you. At this time, there is no court-ordered deposition of Mr. Sullivan. If that were to be ordered, we would also try to work with your schedule to arrange it. If Mr. Sirena's deposition were to be moved from Wednesday, August 20, when is the next date that he would be available?

Best regards,

Leah

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**From:** Johnson, Jr., Daniel [<mailto:djohnson@morganlewis.com>]  
**Sent:** Wednesday, August 13, 2014 11:39 AM  
**To:** Brannon, Leah  
**Cc:** Ewing, Elaine; Roger, Kent M.; Newton, Wendelynn ([wendelynn.newton@bipc.com](mailto:wendelynn.newton@bipc.com)); Cary, George S.; Malm, Larry; Mindlin, Danielle P.  
**Subject:** Re: David Manly Deposition

What about Sullivan? We are not making a second trip.

Daniel Johnson Jr

On Aug 13, 2014, at 8:10 AM, "Brannon, Leah" <[lbrannon@cgsh.com](mailto:lbrannon@cgsh.com)> wrote:

Hi Dan,

Dave Manly is not available on Monday of the following week. I'm still confirming his availability later in the week. If we needed to move the Rogers 30(b)(6) currently set for Wednesday the 20<sup>th</sup>, when is the next date that Mr. Sarina would be available?

Best regards,

Leah

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**From:** Johnson, Jr., Daniel [<mailto:djohnson@morganlewis.com>]  
**Sent:** Tuesday, August 12, 2014 10:44 PM  
**To:** Ewing, Elaine  
**Cc:** Roger, Kent M.; Brannon, Leah; Newton, Wendelynn ([wendelynn.newton@bipc.com](mailto:wendelynn.newton@bipc.com)); Cary, George S.; Malm, Larry; Mindlin, Danielle P.  
**Subject:** Re: David Manly Deposition

I cannot make Friday as I have an appointment out of the office. The following Monday the 18th works. Tuesday does not unless you want to delay the 30 B6 set for the 20th.

Daniel Johnson Jr

On Aug 12, 2014, at 7:03 PM, "Ewing, Elaine" <[eeewing@cgsh.com](mailto:eeewing@cgsh.com)> wrote:

Dan,

In response to your question of yesterday, Dave Manly is available Friday (August 15) to conclude his deposition. Are you available then?

Regards,  
Elaine

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